

Notice of Allowability

Application No.

10/614,478

Examiner

Louis K. Huynh

Applicant(s)

ARENDS ET AL.

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed 09/24/2004.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 6/24/2004.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 10/25/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Kevin Erickson on November 01, 2004.

The application has been amended as follows:

In Claim 1:

"the orienter device effective to rotate the container" (line 11) has been changed to: --wherein the chuck rotates the container in--;
after "position" on line 12, the phrase: --in response to the control system-- has been inserted.

In Claim 13:

"a shortest" (line 9) has been changed to: --the shortest--.

In Claim 13:

"around the shortest" (line 10) has been changed to: --in the shortest--.

3. The following is an examiner's statement of reasons for allowance:

With respect to Claim 1, the prior art fails to disclose and/or teach an orienter device for orienting a container in a desired rotational position that comprises in combination a reader for reading a rotational position of the container and for determining an initial orientation of the container, a control system for obtaining the

initial orientation of the container and the determining a shortest distance from the initial orientation to the desired rotational position between a clockwise and a counterclockwise direction, and a rotatable chuck that rotates the container in the shortest rotational distance in response to the control system.

With respect to Claim 8, the prior art fails to disclose and/or teach a system for packaging oriented containers in a container carrier that comprises in combination a digital reader that determines an initial orientation of an unoriented container, an orienter wheel in communication with the digital reader and including a rotatable chuck that receives a signal from the digital reader and rotates the unoriented container in a shortest rotational distance from the initial orientation into an oriented position having a desired rotational position.

With respect to Claim 13, the prior art fails to disclose a method of packaging a plurality of containers that comprises in combination the steps of engaging a container with a chuck, sensing an image of an initial rotational position of the container, determining a shortest rotational distance from the initial rotational position of the container to an oriented position of the container, and rotating the container with the chuck in the shortest rotational distance from the initial rotational position to the oriented position.

With respect to Claim 19, the prior art fails to disclose a method of orienting a container that comprises in combination the steps of fixing the container into a rotatable chuck, sensing an initial position of the container from an image of the container, determining the shortest rotational distance from the initial position of the container to an

Art Unit: 3721

oriented position of the container, rotating the rotatable chuck and the container clockwise or counterclockwise into the oriented position of the container around the shortest rotational distance.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis K. Huynh whose telephone number is (703) 306-5694. The examiner can normally be reached on M-F from 9:30AM to 5:00PM.

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH
November 01, 2004


Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700